

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Squad #1	CCRB Case #: 201803052	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/18/2018 12:50 PM	Location of Incident: 115th Precinct Stationhouse	Precinct: 115	18 Mo. SOL 10/18/2019	EO SOL 10/18/2019	
Date/Time CV Reported Thu, 04/19/2018 3:53 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 04/19/2018 3:53 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Patrick McCartan	18373	950854	TB CAN

Officer(s)	Allegation	Investigator Recommendation
A.POM Patrick McCartan	Abuse: PO Patrick McCartan asked about § 87(2)(b) s immigration status.	
B.POM Patrick McCartan	Off. Language: PO Patrick McCartan made remarks to § 87(2)(b) based upon race.	

### Case Summary

On April 19, 2018, § 87(2)(b) filed this complaint with the CCRB online.

On April 18, 2018, at approximately 12:50 p.m., § 87(2)(b) was arrested for § 87(2)(b)

§ 87(2)(g) He was held in the holding cells of the 115<sup>th</sup> Precinct, in Queens. While there, his arresting officer, PO Patrick McCartan of the 115<sup>th</sup> Precinct, spoke to him and asked him if he was a United States citizen (**Allegation A – Abuse of Authority:** § 87(2)(g) After § 87(2)(b) answered him, PO McCartan told him, “Go back to your country,” (**Allegation B – Offensive Language:** § 87(2)(g)

There is no video footage of this incident.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: PO Patrick McCartan asked about § 87(2)(b) s immigration status.**

**Allegation (B) Abuse of Authority: PO Patrick McCartan made remarks to § 87(2)(b) based upon race.**

§ 87(2)(b) (Board Review 01) stated that he was approached by PO McCartan, his arresting officer, while he was alone in the holding cells of the 115<sup>th</sup> Precinct. PO McCartan began speaking with § 87(2)(b) and asked him if he was a US citizen. § 87(2)(b) replied that he was not, and then PO McCartan said, “Go back to your country.”

PO McCartan (Board Review 02) acknowledged speaking with § 87(2)(b) in the holding cells after his arrest. He spoke with § 87(2)(b) for the purpose of filling out the necessary paperwork regarding the arrest, including the UF-61 complaint report. The complaint report includes a section on the perpetrator’s pedigree information, including whether or not they are a US citizen. In order to complete this section of the report, PO McCartan asked § 87(2)(b) if he was a US citizen. § 87(2)(b) became upset, and said something to the effect of, “Do you want me to go back to my own country?” PO McCartan never told § 87(2)(b) to go back to his own country, or heard another officer do so.

The UF-61 complaint report related to § 87(2)(b) s arrest has a question in the “wanted” information section, asking whether the wanted individual is a US citizen, and another section for the individual’s place of birth. Both sections were completed (Board Review 08).

Under the provisions of Patrol Guide Procedure 208-03, officers are required to complete a complaint report when an individual has been arrested (Board Review 03).

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first CCRB Complaint to which § 87(2)(b) has been a party (Board Review 04).

- PO McCartan has been a member of service for seven years and has been the subject in four CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g) [REDACTED].

### **Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
- As of August 7, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 07).

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_

Signature	Print Title & Name	Date
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Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
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Reviewer: \_\_\_\_\_

Signature	Print Title & Name	Date
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